



**ఆంధ్రప్రదేశ్ రాజపత్రము**  
**THE ANDHRA PRADESH GAZETTE**  
**PUBLISHED BY AUTHORITY**

W.No.37

AMARAVATI, TUESDAY, SEPTEMBER 17, 2019

G.287

**PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC**

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**NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,**

**PRINCIPAL SENIOR CIVIL JUDGE COURT,  
NELLORE**

**I.P.No. 07/2016**

Jutur Chandra Sekhar,

...

Petitioner/Debtor

Vs

1.Vemula Venkata Ramana

...

Respondents

2. T.R.Loknadhan

**NOTICE**

Notice is hereby given Under Section 9 of the Provincial Insolvency Act that the petitioner declared as Insolvents.

Dated this the 13<sup>th</sup> day of August, 2019.

**T. HARITHA,**  
Principal Senior Civil Judge,  
Nellore.

**PRINCIPAL SENIOR CIVIL JUDGE COURT, NELLORE**  
**Insolvency Petition No.7/2016**

Jutur Chandra Sekhar, ... Petitioner/Debtor

Vs

1.Vemula Venkata Ramana ... Respondents

2. T.R.Loknadhan

This petition is coming on 13.6.2018 before me for final hearing in the presence of Sri Malireddy.S, Advocate for the petitioner, and R-1 and R-2 having remained exparte and having stood over for consideration till this day, this court delivered the following:-

**ORDER**

This petition is filed on behalf of the petitioner/creditor and against the respondents U/Sec. 9 of Provincial Act, 1920 praying the court to declare the 1<sup>st</sup> respondent as insolvent and to set aside the three Registered Sale Deeds executed by 1<sup>st</sup> respondent in favour of 2<sup>nd</sup> respondent, relating to petition schedule property dated 7.3.2015 (wrongly mentioned), but dt. 23.2.2015 bearing Doct. Nos.1269/2015, 1270/2015 and 1271/2015 of S.R.O., Stonehousepet, Nellore and vest the petition schedule properties with the official receiver for proper adjudication and for costs of the petition.

2. (i) The case of the petitioner as per the petition averments is that on 1.1.2015, the 1<sup>st</sup> respondent borrowed a sum of Rs.4,70,000/- from the petitioner, for his necessities and family expenses and in consideration thereof he executed a promissory note on the even date in favour of the petitioner at Nellore town, undertaking to repay the same with interest at 24% p.a. either to the petitioner or to his order on demand. In spite of repeated demands made by the petitioner, the 1<sup>st</sup> respondent did not chose to repay any portion of the amount due under the said promissory note.

(ii) He further submits that the petitioner came to know that the 1<sup>st</sup> respondent incurred heavy loss in the business and indebted to several persons including this petitioner. The 1<sup>st</sup> respondent has no other immovable properties except the petition schedule property, which was shown as security to the petitioner. The 1<sup>st</sup> respondent with an evil intention to delay and defeat his creditors, including the petitioner, executed three Registered Sale Deeds in favour of 2<sup>nd</sup> respondent, who is no other than his relative, on 7.3.2015 (wrongly mentioned), but dt. 23.2.2015 vide Doct.No.1269/2015, 1270/2015 and 1271/2015 respectively of S.R.O., Stonehousepet, Nellore. In fact, there is no necessity for the 1<sup>st</sup> respondent to execute the said deeds in favour of 2<sup>nd</sup> respondent. As such, the said deeds are sham and nominal and collusive. The value of the petition schedule properties are shown as Rs.14,01,000/-

in the said three Registered Sale Deeds. But in fact, its original value is more than Rs.50,00,000/-. The petitioner got issued legal notice dated 24.4.2015 to the 1<sup>st</sup> respondent, calling upon him, to repay the debt due under the said promissory note. The 1<sup>st</sup> respondent evaded to receive the same. The 1<sup>st</sup> respondent openly expressed his inability to repay the debts due to his creditors, including this petitioner. The 1<sup>st</sup> respondent also expressed his intention to file Insolvency petition to defraud his creditors including this petitioner. The amount due to the petitioner is more than Rs.500/-. As such, the 1<sup>st</sup> respondent committed an act of insolvency.

3. Though, service of notices on R-1 and R-2 were held sufficient, they did not appear before the court and thereby R-1 and R-2 were set exparte on the respective dates.

4. During the course of enquiry, Pw.1 was examined and got marked Ex.A-1 to A-5. Since respondents were set exparte, Pw.1 was not cross- examined and no witnesses are examined and no documents are marked on behalf of respondents 1 and 2.

5. Heard the arguments of petitioner counsel.

6. Now the points for determination are

**1. Whether the petitioner is entitled to adjudge the 1st respondent as insolvent and to set aside the three Registered Sale Deeds executed by R-1 in favour of R-2 relating to petition schedule property dated 23.2.2015 bearing Doct Nos.1269/2015, 1270/2015 and 1271/2015 of S.R.O., Stonehousepet, Nellore and to vest the petition schedule property with the officials receiver for proper adjudication ?**

**2. To what relief?**

7. **POINT NO.1 ::**

The petitioner as Pw.1 in his chief-examination on affidavit, reiterated the petition averments. Therein, the petitioner averred that R-1 by executing three Registered Sale Deeds in favour of R-2 and to set aside them and vest the petition schedule property with the official receiver for proper adjudication.

8. Since Pw.1 was not cross-examined and no witnesses are examined and no documents are marked for R-1 and R-2 as they were set exparte. The petitioner proved and established that he is entitled to adjudge R-1 as insolvent and to set aside the three Registered Sale Deeds dated 23.2.2015 under Doct Nos.1269/2015, 1270/2015 and 1271/2015 respectively of S.R.O.. Stonehousepet, Nellore and to vest the pe tion schedule property with the official receiver for proper adjudication as prayed for.

**Accordingly, Point No.1 is decided in favour of petitioner and against the respondents.**

9. **POINT NO.2 :: IN THE RESULT**, the petition is allowed, but without costs, adjudging the 1<sup>st</sup> respondent as insolvent. It is further ordered that the three Registered Sale Deeds are ordered to be set aside executed by R-1 in favour of 2<sup>nd</sup> respondent relating to petition schedule property dated 23.2.2015

bearing document Nos.1269/2015, 1270/2015 and 1271/2015 of S.R.O., Stonehousepet, Nellore and to vest the petition schedule property with the official receiver for proper adjudication on a separate application filed by him before the Insolvency court at the appropriate time.

Dictated to the Personal Assistant, after transcribed by her, corrected and pronounced by me in Open Court, this the 18<sup>th</sup> day of June, 2018.

**Sd/-.,**

PRINCIPAL SENIOR CIVIL JUDGE.

NELLORE.

**APPENDIX OF EVIDENCE**  
**WITNESSES EXAMINED**

**For Petitioner:**

Pw.I: Juturu Chandrasekhar.

**For Respondent Nos.1 and 2: \_ - Exparte-**

**DOCUMENTS MARKED**

**For petitioner:**

Ex.A-1:	Office copy of legal notice issued to the 1 <sup>st</sup> respondent dt. 24.4.2015 with its postal registration receipt.
Ex.A-2:	Postal Unserved Returned cover
Ex.A-3:	Certified Copy of Registered Sale Deed dated 23.2.2015 executed by Vemula Venkataramana Guptha in favour of T.R. Lokanadhan, Son of T.R.Rangaswamy issued by Mee seva.
Ex.A-4:	Certified Copy of Registered Sale Deed dt. 23.2.2015 executed by Vemula Venkataramana Guptha in favour of T.R. Lokanadhan, S/o T.R.Rangaswamy issued by Mee seva.
Ex.A-5:	Certified Copy of Registered Sale Deed dt. 23.2.2015 executed by Vemula Venkataramana Guptha in favour of T.R.Lokanadhan, S/o T.R.Rangaswamy issued by Mee seva.

**For Respondents: - NIL-**

**Sd/-.,**

Principal Senior Civil Judge,

Nellore.